In the High Court of Uttaranchal at Nainital.

Civil Petition no. 207 (M/S) of 2004

D.C. Bansal S/o Late Shri J.N. Bansal,
R/o Chakrata Road, Dehradun,
District Dehradun ……Petitioner.

Vs.

1. District Judge, Dehradun,
2. Civil Judge (S.D.)/ Ist Fast Track Court
   Dehradun.
3. Smt. Ruchi Chhetri W/o Vinay Chhetri
   R/o Ajabpur Khurd, Pargana Kendriyadoon,
   District Dehradun …….Respondents.

Hon'ble Irshad Hussain, J.

Heard Sri Ramji Srivastava learned counsel for the petitioner and Sri J.P. Joshi learned Standing Counsel for respondent nos. 1 and 2.

This is a petition under Article 227 of the Constitution of India. The respondent no.3 has filed a civil suit before the respondent no.2 which is pending disposal. In the suit an application under Order 39 Rule 1 and 2 C.P.C. was preferred in which exparte order was passed by the respondent no.2. Learned counsel for the petitioner submitted that under law the requirement is that the application for temporary injunction be decided on merit within a period of one month and that the same has not been done. It is also pointed out that written statement has been filed making counter claim in the same and that the case is ripe for further final hearing and that the respondent no.2 may be directed to decide the suit expeditiously. Considering the fundamental right of early disposal of litigation between the parties, direction to respondent no.2 to decide the suit expeditiously can, therefore be given.

In view of above the petition is finally disposed of with the direction that the respondent no.2 shall decide the original suit

no. 44/2003 Smt. Ruchi Chhetri Vs. D.C. Bansal expeditiously, preferably, within a period of one year from the date of receipt of the copy of this order.

(Irshad Hussain, J.)

Dated: 26-3-2004

ISB